

FILED

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

DEC 04 2019

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY KMT, DEPUTY

UNITED STATES OF AMERICA, *ex. rel.*)
MARK J. O'CONNOR and SARA F. LEIBMAN,)

Plaintiffs,)

v.)

U.S. CELLULAR CORPORATION, USCC)
WIRELESS INVESTMENT, INC., TELEPHONE)
AND DATA SYSTEMS INC., KING STREET)
WIRELESS, L.P., KING STREET INC., and)
ALLISON CRYOR DINARDO,)

Defendants.)

CIV-15-370-D

FILED IN CAMERA

AND UNDER SEAL

(31 U.S.C. § 3730(b)(2))

**THE GOVERNMENT'S NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the Relators or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the Relators' action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that only the Relators' Complaint, this Notice, and the proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this Notice.

Respectfully submitted,

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Assistant Attorney General, Civil Division

TIMOTHY J. DOWNING
United States Attorney

s/ Ronald R. Gallegos

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CERTIFICATE OF SERVICE

____ I hereby certify that on (date), I electronically transmitted the attached document to the Clerk of Court using the ECF System. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrant:

ECF SERVICE NOT APPROPRIATE - CASE UNDER SEAL

____ I hereby certify that on (date), the attached **FILING UNDER SEAL** document was mailed, postage prepaid, to the following:

None, as this matter is filed in camera and under seal.

s/ Ronald R. Gallegos
RONALD R. GALLEGOS